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ROANOKE CITY COUNCIL

July 17, 2006

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, July 17, 2006, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 37467-070306 adopted by the Council on Monday, July 3, 2006.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Gwendolyn W. Mason, Alfred T. Dowe, Jr., and Mayor C. Nelson Harris -----5.

ABSENT: Vice-Mayor David B. Trinkle and Council Member Brian J. Wishneff-----2.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT: Council Member Fitzpatrick offered the following resolution paying tribute to the Honorable Carl E. "Sonny" Tarpley, Jr., former Mayor of the City of Salem, Virginia, for his exemplary public service:

(#37470-071706) A RESOLUTION paying tribute to the Honorable Carl E. "Sonny" Tarpley, Jr., former Mayor of the City of Salem, for his exemplary public service.

(For full text of resolution, see Resolution Book No. 70, page 426.)

Council Member Fitzpatrick moved the adoption of Resolution No. 37470-071706. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

On behalf of the City of Roanoke, the Mayor presented a ceremonial copy of the abovereferenced measure to Mayor Tarpley and expressed congratulations upon his retirement.

ACTS OF ACKNOWLEDGEMENT: Council Member Fitzpatrick offered the following resolution paying tribute to the Honorable Roger E. Hedgepeth, former Mayor of the Town of Blacksburg, Virginia, for his exemplary public service:

(#37471-071706) A RESOLUTION paying tribute to the Honorable Roger E. Hedgepeth, former Mayor of Blacksburg, Virginia, for his exemplary public service.

(For full text of resolution, see Resolution Book No. 70, page 427.)

Council Member Fitzpatrick moved the adoption of Resolution No. 37471-071706. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

ACTS OF ACKNOWLEDGEMENT-PERSONNEL: The Mayor recognized the following students who participated in the City's 2006 Summer Intern Program:

Dustin Cupp – May 2006 Graduate, Virginia Tech, Accounting and Information Systems Master's Program, specializing in Financial Reporting and Assurance Services

John Barrett – May 2006 Graduate, Virginia Tech, Bachelor of Science Degree in the Business Management Department

Greg Overholser – Third Year Law Student, University of Richmond School of Law

Allison Weaver – Rising Senior, Christopher Newport University, majoring in Sociology with a Minor in Psychology

Jessie F. Reckart - May 2006 Graduate, Master's Degree in Public Administration, West Virginia University, admitted to Virginia Tech's Center of Public Administration and Policy (CPAP) for Doctoral Studies

Jessica Johnson - Fall 2006 Graduate, Virginia Tech, majoring in Statistics with a Minor in African Studies

Benjamin Lucas - Rising Senior, Appalachian State University, majoring in Geography with a concentration in Geographic Information Systems (GIS)

Michael Munton - Rising Senior, Virginia Tech, majoring in Political Science and History

Ron Miller - May 2006 Graduate, Virginia Tech, majoring in Business Information Technology

Christina Ford - May 2006 Graduate, Hollins University, Bachelor of Arts Degree in Sociology

On behalf of the Council, the Mayor commended the abovenamed students for participating in the City's Summer Intern Program and presented each student with a City logo pin.

PROCLAMATIONS-PARKS AND RECREATION: The Mayor presented a proclamation to Steve Buschor, Director, Parks and Recreation Department, declaring the month of July 2006 as Parks and Recreation Month in the City of Roanoke.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for Closed Session to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council; and disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

MINUTES: Minutes of the regular meetings of Council held on Monday, May 1, 2006, recessed until Thursday, May 4, 2006, and recessed until Thursday, May 11, 2006; and Monday, May 15, 2006, were before the body.

Council Member Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris---5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

AUDIT COMMITTEE: Minutes of the Audit Committee meeting which was held on Monday, March 6, 2006, were before the body.

Topics of discussion included:

Internal Audit Reports:

- Clerk of the Circuit Court
- Contract Administration
- Independent Accountant's Report - Roanoke City Sheriff's Office
 - Update of Staffing and Current Audit Plan
 - Contracting with Recently Retired Auditors in the Area to Provide Audit Services on an "As Needed" Basis in the Future
- Audit reports to the Committee in June:
 - Social Services Administration - business function
 - Purchasing Cards - expenditures and compliance with policies
 - Occupational Health - process for performing physicals
 - Small, Minority, and Women-owned Businesses - efforts of departments to incorporate these businesses in purchases under \$50,000.00
 - Change Control for Building Inspection
 - Weed Abatement - compliance issues
- Close-out of Johnson and Johnson
- Relationship with the Roanoke City Public School System

Council Member Fitzpatrick moved that the March 6, 2006 minutes of the Audit Committee be received and filed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris---5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

COMMITTEES-COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Fitzpatrick moved that Council convene in a Closed Session as abovedescribed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position on negotiating strategy of the City, pursuant to 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member Fitzpatrick moved that Council convene in Closed Meeting as abovedescribed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

WATER\WATER RESOURCES: A Resolution adopted by the Western Virginia Water Authority expressing appreciation to Michael W. Altizer for his service as Chair and Director of the Authority, was before Council.

Council Member Fitzpatrick moved that the resolution be received and filed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

PENSIONS: A communication from David C. Key, Chair, Board of Trustees, City of Roanoke Pension Plan, transmitting the 2005 Annual Report, was before Council.

(For full text, see annual report on file in the City Clerk's Office.)

Council Member Fitzpatrick moved that the Annual Report be received and filed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

OATHS OF OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION-GREENWAYS-VIRGINIA'S FIRST INDUSTRIAL FACILITY AUTHORITY: A report of qualification of the following persons, was before Council:

Sandra K. Brunk as a member of the Roanoke Arts Commission, for a term ending June 30, 2009;

Lucy R. Ellett as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2009; and

R. Brian Townsend as the City's representative to Virginia's First Regional Industrial Facility Authority, for a term ending June 30, 2010.

Council Member Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

CITY EMPLOYEES: The City Manager introduced Kelli Green, Director, Human Resources, effective July 5, 2006.

BRIEFINGS:

HOUSING-CITY EMPLOYEES: The City Manager advised that Council previously concurred in the development of a major and more aggressive Code enforcement effort; whereupon, she introduced Ford Weber, Director, Housing and Neighborhood Services, for a status report.

Mr. Weber expressed appreciation to Council for authorizing additional funds for a more aggressive Code enforcement program, and for adopting legislation to strengthen Code enforcement mechanisms. He expressed appreciation to the community for serving as the City's "eyes and ears" in order to bring various issues to the attention of City staff; he expressed appreciation to Shirley Bethel and Bob Caudle, members of the Roanoke Neighborhood Advocates, for helping to facilitate a community engagement process that was held prior to implementation of certain changes; and he expressed appreciation to the Commonwealth Attorney's Office who worked with City staff throughout the process and, through funding provided by the City, has agreed to dedicate an attorney to Code enforcement issues. Mr. Weber advised that the following City departments have participated in Code enforcement efforts: Commonwealth's Attorney's Office, Division of Solid Waste, City Attorney's Office, Police and Fire Departments, Code Enforcement, City Manager's Office, Billings and Collections, Environmental and Emergency Management, and Planning and Zoning.

He advised that:

- Information will be posted on the City's website to inform the public of changes to the Code enforcement procedure;
- The City now has broader authority across departmental lines to enforce common nuisance issues; certain police officers, specifically community resource officers, are now empowered to issue citations for weeds and trash and inoperable vehicles, as well as solid waste employees and employees of the Fire Marshal;
- Legislation recently enacted by Council provides for a streamlining of the notification process, eliminates certified mailings to affected property owners and shortens the waiting period before staff can abate a nuisance if the owner of the property fails to do so;
- An additional Commonwealth's Attorney position, funded by the City, will be dedicated to prosecuting code enforcement issues;
- A cross functional Code team, chaired by the Coordinator of Emergency and Environmental Services, has been established to target difficult and

challenging properties in the City that routine Code enforcement methods are unable to address, such as after hours drinking establishments, issues of overcrowding, etc., to work with other City departments including police and the fire, to ensure that various violations are addressed more quickly.

- The City Attorney will draft additional legislation for consideration by Council in August 2006 to broaden the scope of the program and to enforce to certain solid waste issues.

Council Member Mason inquired if animals, or animal by products, have been addressed in terms of a Code violation; whereupon, Mr. Weber responded in the negative and Ms Mason asked that staff review the issue.

The City Manager advised that as City staff went into the City's neighborhoods, an attempt was made to identify the top four to five neighborhood issues to be addressed in the uniform violation activity. She stated that activities will be added incrementally once the proper cross training has taken place and after major areas of activity have been addressed. She added that there are any number of activities, depending on the neighborhood or the time of year, that may be problematic for various neighborhoods, which is not to suggest that the City will not continue to enforce on a complaint basis the individual issues, but this is an effort to deal with the approximately ten per cent of citizens who do not voluntarily comply when they are cited for various issues. The City Manager called attention to a number of citizen concerns over the past 18 months with regard to regulations pertaining to the care of animals, recently an issue was raised with regard to dogs in the downtown area, and following review, a City Code amendment will be presented to Council for consideration in August proposing a modification to the City Code that will allow dogs in certain areas of the City's downtown.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-PARKS AND RECREATION-GRANTS-YOUTH: The City Manager submitted a written communication advising that the City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through the Parks and Recreation Youth Services Division supervised by the Summer Nutrition Program; breakfast and lunch are provided to children throughout the City from mid-June through early-August; and approximately 56,712 meals were served at sites across the Roanoke Valley during the summer of 2005.

It was further advised that General Funds, in the amount of \$40,000.00, have been appropriated in the fiscal year 2006-2007 Parks and Recreation Youth Services Division budget; local funds will be used to provide staffing and program materials; Federal funds up to \$210,400.00 have been approved by the United States Department of Agriculture Food and Nutrition Services; and the City is reimbursed on a per meal basis for meals actually served.

It was explained that the Summer Food Program is partially funded through the United States Department of Agriculture Food and Nutrition Services which is similar in concept to the National School Lunch Program with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year; the purpose is to provide nutritionally balanced healthy meals to children, ages one through 18, and to those children with special needs; and adult summer staff manages the program and youth are hired to assist at the food service sites.

The City Manager recommended that Council take the following actions:

Accept the Summer Food Program grant, in the amount of \$210,400.00, and authorize the City Manager and City Clerk to execute and attest respectively, an agreement with the United States Department of Agriculture Food and Nutrition Services and any other forms necessary to accept such grant, to be approved as to form by the City Attorney.

Establish a revenue estimate, in the amount of \$210,400.00, and transfer \$40,000.00 from the Parks and Recreation Youth Services Division, Account No. 01-620-8170-2034, and appropriate \$250,400.00 into expenditure accounts to be established by the Director of Finance in the Grant Fund.

Council Member Dowe offered the following ordinance:

(#37472-071706) AN ORDINANCE to appropriate funding from the Federal government for the Summer Food Program, amending and reordaining certain sections of the 2006-2007 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 429.)

Council Member Dowe moved the adoption of Ordinance No. 37472-071706. The motion was seconded by Council Member Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

Council Member Dowe offered the following resolution:

(#37473-071706) A RESOLUTION authorizing acceptance of additional allowable reimbursements from the USDA Food and Nutrition Service, in the amount of \$40,000.00, on behalf of the City to provide for the nutritional needs of

children and youth during the summer months, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

(For full text of Resolution, see Resolution Book No. 70, page 430.)

Council Member Dowe moved the adoption of Resolution No. 37473-071706. The motion was seconded by Council Member Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

BUDGET-GRANTS-TREES: The City Manager submitted a written communication advising that on June 8, 2006, the City was notified by the Virginia Department of Forestry that a \$14,987.00 grant will be awarded to the City, upon completion of a Memorandum of Agreement, to fund a part-time Urban Forestry Planner to work with the City's Urban Forester on "Natural Resource Stewardship for Roanoke Forest and Park Land"; and the grant is from the same program that funded the part-time Urban Forestry Planner for the past four years.

It was further advised that the \$14,987.00 Urban and Community Forestry Grant is a Federal grant sponsored by the National Forest Service and administered by the Virginia Department of Forestry; funds are awarded on a reimbursement basis after verification of the local match; the majority of the City's matching funds will consist of 525 hours of staff time (\$16,086.00) provided by the Urban Forester; the remainder of matching funds will be an additional \$8,887.00 to cover salary and benefits costs for the part-time Urban Forestry Planner; and funding will be used for staff to work with other Department of Parks and Recreation personnel on the natural resource planning and management elements of the Department's work toward achieving accreditation from the National Commission for Accreditation of Park and Recreation Agencies (CAPRA).

The City Manager recommended that Council take the following actions:

Accept the Urban and Community Forestry Grant, in the amount of \$14,987.00, and authorize the City Manager and City Clerk to execute and attest, respectively, an agreement with the Virginia Department of Forestry and any other forms necessary to accept such grant, approved as to form by the City Attorney.

Establish a revenue estimate, in the amount of \$14,987.00, transfer \$8,887.00 from the Parks and Recreation Temporary Employee Wage,

Account No. 01-620-4340-1004, and appropriate funds totaling \$23,874.00 to expenditure accounts to be established by the Director of Finance in the Grant Fund.

Council Member Dowe offered the following budget ordinance:

(#37474-071706) AN ORDINANCE to appropriate funding from the Commonwealth of Virginia for the Urban and Community Forestry Grant, amending and reordaining certain sections of the 2006-2007 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 431.)

Council Member Dowe moved the adoption of Ordinance No. 37474-071706. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

Council Member Dowe offered the following resolution:

(#37475-071706) A RESOLUTION authorizing the acceptance of an Urban and Community Forest Grant to fund a part-time Urban Forestry Planner to work with the City's Urban Forester on natural resource stewardship for Roanoke forest and park land; and authorizing the execution of the necessary documents, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 70, page 432.)

Council Member Dowe moved the adoption of Resolution No. 37475-071706. The motion was seconded by Council Member Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

BUDGET-MARKET SQUARE PARKING GARAGE: The City Manager submitted a written communication advising that on June 19, 2006, the City Manager authorized an emergency procurement for professional engineering services and construction services to address certain construction irregularities in the façade of the Market Garage (formerly named Century Station Parking Garage); as a result of the work, additional work was authorized to further secure the garage and to remove the brick facade; in order to fund the approved emergency contracts, an appropriation from the Parking Fund's retained earnings must be made, in the amount of \$500,000.00; and once the bricks are removed, an evaluation will be made to determine the extent of repairs required for the garage.

The City Manager recommended that Council adopt a budget ordinance appropriating \$500,000.00 from *Parking Fund Retained Earnings* to a *Parking Fund Capital Project Account* to be established by the Director of Finance to fund the contracts.

Council Member Dowe offered the following budget ordinance:

(#37476-071706) AN ORDINANCE to transfer funding from the *Parking Fund Retained Earnings* for emergency engineering analysis and repair needs at the Market Garage, amending and reordaining certain sections of the 2006-2007 *Parking Fund Appropriations*, and dispensing with second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 433.)

Council Member Dowe moved the adoption of Ordinance No. 37476-071706. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

BUDGET-GRANTS-FLOOD REDUCTION/CONTROL: The City Manager submitted a written communication advising that the City of Roanoke was awarded a grant from the Federal Emergency Management Agency (FEMA) through its Hazard Mitigation Grant Program; the grant is being administered through the Commonwealth of Virginia Department of Emergency Management and includes \$316,980.00 to purchase flood prone residential properties that have been repetitively damaged during flooding events; the grant requires a local match of \$105,640.00, for a total of \$422,620.00; purchase of the properties is a voluntary program, generally at appraised value; after purchase, any structures located on the properties will be demolished; and the properties will then be deeded as open space in perpetuity.

It was further advised that the following residential properties have been identified as candidates for property acquisition, and property owners have agreed to be candidates in FEMA Hazard Mitigation Grant Program.

Tax Number	Address
5050616	1921 Knollwood Road, S. W.
6140706	1909 Meadowbrook Road, N. W.
6140711	4420 Northwood Drive, N. W.

She added that sufficient funding for the local match has been identified; and authorization is needed to move forward with procurement of title work, document preparation related to acquisition of the necessary property rights and eventual demolition of the structures.

The City Manager recommended that Council take the following actions:

Adopt a budget ordinance establishing a revenue estimate, in the amount of \$316,980.00 from the Hazard Mitigation Grant Program and appropriating funding in the same amount to an account to be established by the Director of Finance in the Capital Projects Fund.

Authorize the City Manager to execute the necessary documents, in a form to be approved by the City Attorney, to purchase real property identified as Official Tax Nos. 5050616, 6140706, and 6140711 for the City of Roanoke.

Authorize the City Manager to execute deeds, placing restrictions on the properties, providing that the properties will be maintained by the City as open space in perpetuity.

Authorize the demolition of any structures located on the properties and close the Hazard Mitigation Grant, in accordance with requirements of the Federal Emergency Management Agency.

Council Member Fitzpatrick offered the following ordinance:

(#37477-071706) AN ORDINANCE to appropriate funding from the Federal Emergency Management Agency through its Hazard Mitigation Grant Program to acquire properties in the flood plain, amending and reordaining certain sections of the 2006-2007 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 434.)

Council Member Fitzpatrick moved the adoption of Ordinance No. 37477-071706. The motion was seconded by Council Member Mason and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

Council Member Dowe offered the following ordinance:

(#37478-071706) AN ORDINANCE authorizing the acquisition and demolition of certain property located at 1921 Knollwood Road S. W., 1909 Meadowbrook Road N. W., and 4420 Northwood Drive, N. W., which is subject to repetitive flooding, under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program administered through the Commonwealth of Virginia Department of Emergency Management; authorizing the closing of the Hazard Mitigation Grant, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 70, page 435.)

Council Member Dowe moved the adoption of Ordinance No. 37478-071706. The motion was seconded by Council Member Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a written communication advising that each year, the Roanoke

Redevelopment and Housing Authority (RRHA) conducts a variety of housing programs using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds provided by the City; at a special meeting held on May 11, 2006, Council approved the 2006-2007 Annual Update to the HUD Consolidated Plan, including activities designated to receive CDBG and HOME funds for FY 2006-2007; and the following additional CDBG and HOME funds for three RRHA activities were among those approved:

- \$707,000.00 to continue housing efforts in Gainsboro as part of *Project GOLD* ("Gainsboro Opportunities Leverage Development"), the City's most recent effort to concentrate its CDBG and HOME resources;
- \$250,000.00 for the *Special Needs Program*, which provides emergency and limited housing repairs for the elderly and other special needs populations; and
- \$250,000.00 for the *Derelict Structures Program*, which in coordination with the City, allows the RRHA to acquire, rehabilitate and sell such properties to homebuyers and/or offer subsidies to third parties to do so. A component of the *Derelict Structures Program* uses the "slums and blight" latitude provided under CDBG funds to rehabilitate housing for sale to homebuyers above the low- and moderate-income level, thus promoting income diversity in the City.

It was further advised that the total additional 2006-2007 CDBG and HOME funding being provided to the RRHA by Amendment No. 2 to the Agreement is \$1,207,000.00; and the RRHA will also receive an additional \$700,000.00 in 2006-2007 CDBG and HOME funding for the Park Street Square project, which is conducted under a separate agreement for which action will be sought at a later date.

It was explained that Section 2-124 of the Code of the City of Roanoke (1979), as amended, limits the City Manager's direct authority to a maximum of \$25,000.00, with respect to amending Federally-assisted subgrant agreements; therefore, authorization by Council is required in order to implement actions called for by Amendment No. 2; extending the 2004-2005 RRHA agreement through a second amendment is more efficient than executing a completely new agreement and will allow for an effective administration of multiple activities undertaken by the RRHA; all of the necessary funds have previously been appropriated or transferred into accounts detailed in the amendment; and, in addition to extending the Agreement and adding funds, Amendment No. 2 also increases the number of units assisted.

The City Manager recommended that Council authorize execution of Amendment No. 2 to the 2004-2005 CDBG/HOME Agreement with the RRHA, to be approved as to form by the City Attorney.

Council Member Dowe offered the following resolution:

(#37479-071706) A RESOLUTION authorizing the appropriate City officials to execute an Amendment No. 2 to the 2004-2005 Agreement with the City of Roanoke Redevelopment and Housing Authority ("RRHA") to conduct additional housing activities using Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program ("HOME") funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 70, page 436.)

Council Member Dowe moved the adoption of Resolution No. 37479-071706. The motion was seconded by Council Member Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

POLICE DEPARTMENT: The City Manager submitted a communication advising that previously the City has utilized an open towing list to provide citizens with police requested towing services; over the last year, the Police Department has received numerous complaints and concerns from citizens related to the quality and price of service provided by the companies on the City's towing list; under the current system, two vehicles involved in an accident could be charged vastly differing amounts for the same service if served by different companies; in accordance with Section 46.2-1217, Code of Virginia, the only way that the City can address the pricing inequity is by contracting with one or more towing contractors for police requested towing services; and if it does so, the City will be better able to ensure that the public receives quality service to which it is entitled since the City will have contracted and selected the towing contractors through a competitive procurement process.

It was further advised that City staff presented a proposed contract to the Towing Advisory Board for comment on June 21, 2006; staff has attempted to resolve pricing inequities with the Towing Advisory Board since the fall of 2005; throughout the process, staff has made numerous changes to the proposed contract to address concerns of the Towing Advisory Board; and the current contract reflects input from the Police Department, the Towing Advisory Board, the towing industry, the insurance industry, and citizens.

The City Manager advised that City staff intends to procure, by contract, the services of one or more towing contractors to provide police requested towing

services; it is anticipated that there will be two different types of towing contracts awarded; one contract will address the towing of light-duty vehicles; the vast majority of police requested tows are for towing light-duty vehicles; a second type of contract will be for towing medium and heavy-duty vehicles; equipment needs for towing medium and heavy-duty vehicles are different from equipment needs for towing light-duty vehicles; and City staff believes that by separating the towing contracts into two categories, citizens will receive better service at a better price.

It was further advised that Section 46.2-1217, Code of Virginia(1950) as amended, allows the governing body of any city to contract with one or more towing contractors to provide police requested towing services within the City's boundaries; the code section further provides that the contract may specify the fees or charges to be paid by the owner or operator of the towed vehicle; and by contracting for police requested towing services, the City can better ensure the quality and cost of towing services provided to citizens as a result of police requested tows.

The City Manager recommended that Council adopt a resolution authorizing the City Manager to procure and contract with one or more towing contractors for police requested towing services; and to procure such services in the manner deemed most appropriate.

Council Member Dowe offered the following resolution:

(#37480-071706) A RESOLUTION authorizing the City Manager to procure requested towing services.

(For full text of Resolution, see Resolution Book No. 70, page 437.)

Council Member Dowe moved the adoption of Resolution No. 37480-071706. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A report of the Roanoke City School Board requesting that Council appropriate funds to the following grant programs, was before the body.

- \$7,500.00 for the Edgar A. Thurman Charitable Foundation for Children to provide services to needy and necessitous children, which continuing program will be reimbursed with a donation.
- \$5,000.00 for the Algebra Readiness Summer Program to enable middle and high school students to attend summer algebra readiness classes, said new program will be 100 per cent reimbursed by State funds.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Council Member Dowe offered the following ordinance:

(#37481-071706) AN ORDINANCE to appropriate funding from the Commonwealth and a private donor for the Algebra Readiness Summer Program and Thurman Foundation Grant, amending and reordaining certain sections of the 2006-2007 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of the Ordinance, see Ordinance Book No. 70, page 438.)

Council Member Dowe moved the adoption of Ordinance No. 37481-071706. The motion was seconded by Council Member Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

BUDGET-SCHOOLS: A report of the Roanoke City School Board requesting that Council transfer funds from the FY2006-07 Debt Service Reserve, in the amount of \$700,000.00, to provide for a portion of the increased cost of construction for Phase II of Patrick Henry High School, was before Council.

It was further advised that the appropriation will provide interim funding for the project for the period during which permanent funding sources are identified; and debt reserve funds are budgeted in the General Fund.

It was further advised that the School Board further requests that \$600,000.00 be transferred from the FY2006-07 Debt Service Reserve to provide

for the balance of the cost of construction for Monterey Elementary School renovations; and debt reserve funds are budgeted in the General Fund.

A report of the Director of Finance recommending that Council concur in the requests of the School Board, was also before the body.

Council Member Fitzpatrick offered the following budget ordinance:

(#37482-071706) AN ORDINANCE to transfer funding from the debt service contingency for the Monterey Elementary School and Patrick Henry High School capital projects, amending and reordaining certain sections of the 2006-2007 School and School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of the Ordinance, see Ordinance Book No. 70, page 439.)

Council Member Fitzpatrick moved the adoption of Ordinance No. 37482-071706. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ACTS OF ACKNOWLEDGMENT-YOUTH-SCHOOLS: Council Member Lea commended Council Member Dowe for his work with Roanoke's young people and the upcoming Youth Summit which will be held on August 3, 2006, at 3:00 p.m., at the Roanoke Civic Center.

Council Member Lea requested the support of Council and the citizens of Roanoke in connection with the 7th Annual Western Virginia Education Classic which will be held on August 31 at Liberty University.

ACTS OF ACKNOWLEDGMENT-HOUSING/AUTHORITY-NEWSPAPERS-VA AMATEUR SPORTS/COMMONWEALTH GAMES: Council Member Dowe commended

The Roanoke Times on the success of the July 4th Music for Americans which was held at River's Edge Sports Complex; organizers of the Coventry Commonwealth Games of Virginia which were held on July 14 - 16 in the Roanoke Valley; and the opening ceremony of World Changers which will be held on July 15 at Jackson Park Middle School.

CITY COUNCIL-SCHOOLS: The Mayor introduced a resolution changing the place of commencement of the joint meeting of Council and the Roanoke City School Board scheduled to be held at 9:00 a.m., on Monday August 7, 2006, from Room 159 in the Noel C. Taylor Municipal Building to the Media Center at Jackson Middle School, 1004 Montrose Avenue, S. E.

Council Member Fitzpatrick offered the following resolution:

(#37483-071706) A RESOLUTION changing the place of commencement of the joint meeting of City Council and the Roanoke City School Board scheduled to be held at 9:00 a.m., on Monday, August 7, 2006.

(For full text of resolution, see Resolution Book No. 70, page 441.)

Council Member Fitzpatrick moved the adoption of Ordinance No. 37483-071706. The motion was seconded by Council Member Mason and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

No person signed up to address the Council.

CITY MANAGER COMMENTS:

STATE OF THE CITY REPORTS: The City Manager advised that the Mayor will present the annual State of the City Address on Wednesday, July 26, 2006, at 7:30 a. m., in the Cafeteria at Patrick Henry High School.

POLICE DEPARTMENT: The City Manager invited the Mayor and Members of Council to view the first of the newly painted police vehicles bearing the black and white design, the City logo and the police shield, which will be on display in the

Council's parking lot at 4:00 p.m.

At 3:15 p.m., the Mayor declared the Council meeting in recess for two Closed Sessions.

At 3:50 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, with the exception of Vice-Mayor Trinkle and Council Member Wishneff, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Fitzpatrick moved that each Member of the City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

COMMITTEES-OATHS OF OFFICE-FIFTH PLANNING DISTRICT COMMISSION-CITY COUNCIL: The Mayor advised that there is a vacancy on the Roanoke Valley Allegheny Regional Commission, created by expiration of the term of office of C. Nelson Harris on June 30, 2006; whereupon, he opened the floor for nominations.

Council Member Fitzpatrick placed in nomination the name of Brian J. Wishneff.

There being no further nominations, Council Member Wishneff was appointed as a member of the Roanoke Valley-Allegheny Regional Commission, for a term ending June 30, 2009, by the following vote:

FOR COUNCIL MEMBER WISHNEFF: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor advised that there are two vacancies on the Youth Services Citizen Board created by expiration of the terms of office of JoAnn Edmunds and Krista Blakeney on May 31, 2006; whereupon, he opened the floor for nominations.

Council Member Fitzpatrick placed in nomination the names of JoAnn Edmunds and Krista Blakeney.

There being no further nominations, Ms. Edmunds and Ms. Blakeney were reappointed as members of the Youth Services Citizen Board, for terms ending May 31, 2009, by the following vote:

FOR MS. EDMUNDS AND MS. BLAKENEY: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

OATHS OF OFFICE-COMMITTEES-PARKS AND RECREATION: The Mayor advised that there is a vacancy on the Parks and Recreation Advisory Board created by the resignation of Gwendolyn W. Mason, for a term ending March 31, 2007; whereupon, he opened the floor for nominations.

Council Member Fitzpatrick placed in nomination the name of Robert H. McAden.

There being no further nominations, Mr. McAden was appointed as a member of the Parks and Recreation Advisory Board to fill the unexpired term of Gwendolyn W. Mason, resigned, ending March 31, 2007, by the following vote:

FOR MR. MCADEN: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

OATHS OF OFFICE- COMMITTEES-LIBRARIES: The Mayor advised that there is a vacancy on the Roanoke Public Library Board created by expiration of the term of office of Anne E. Caldwell on June 30, 2006; whereupon, he called for nominations to fill the vacancy.

Council Member Fitzpatrick placed in nomination the name of Carlos H. Brunal.

There being no further nominations, Mr. Brunal was appointed as a member of Roanoke Public Library Board, for a term ending June 30, 2009, by the following vote:

FOR MR. BRUNAL: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

At 4:00 p.m., the Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building.

At 7:00 p.m., on Monday, July 17, 2006, the Council meeting reconvened in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Gwendolyn W. Mason, Alfred T. Dowe, Jr., and Mayor C. Nelson Harris -----5.

ABSENT: Vice-Mayor David B. Trinkle and Council Member Brian J. Wishneff---
-----2.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 17, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Dalton Place, LLC, and A & J Holdings, Inc., to permanently vacate, discontinue and close Granger Road, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 30, 2006, and Friday, July 7, 2006.

The City Planning Commission submitted a written report advising that the petitioners and the owners of Official Tax No. 5470206 have agreed to vacate Granger Road and divide the right-of-way in a manner consistent with current lot configurations; a portion of the house on Official Tax No. 5470206 is encroaching into Granger Road; the requested vacation, if approved, will correct the encroachment by adding the necessary land to the property; and remainder of the vacated right-of-way is proposed to be combined with a parcel of land in the Pheasant Ridge development and will be used in conjunction with a future phase.

The City Planning Commission recommended that Council vacate Granger Road, advising that the right-of-way provides no convenient means for current or future access to adjacent properties; and the petitioner should be charged a price of \$8,130.00, subject to certain conditions.

Council Member Dowe offered the following ordinance:

(#37484-071706) AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 442.)

Council Member Dowe moved the adoption of Ordinance No. 37484-071706. The motion was seconded by Council Member Fitzpatrick.

James R. Smith, Managing Partner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37484-071706 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris----5.

NAYS: None -----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 17, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Trustees of Metropolitan Community Church of the Blue Ridge that property located on Jamison Avenue, S. E., identified as Official Tax No. 4120113, be rezoned from RM-2, Residential Mixed Density District, to IN, Institutional District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday June 30, 2006, and Friday, July 7, 2006.

The City Planning Commission submitted a written report advising that the petitioner owns and operates a place of worship identified as Official Tax No. 4120112, located at 806 Jamison Avenue, S. E., which is currently zoned IN, Institutional District; the property is located immediately adjacent to the subject parcel of the petition for rezoning; the existing church building abuts the surrounding property line on the parcel; the owner wishes to rezone the property to IN, Institutional District, to permit construction of an addition to provide for stairs and an elevator for the church facility; two handicapped parking spaces will also be provided on the subject property with access to the elevator in the addition via a concrete walkway; the parking spaces will be accessed via an alley at the rear of the property; and the front portion of the property will remain open space along Jamison Avenue.

The Planning Commission recommended that Council approve rezoning of the property, including an additional proffer that was submitted by the applicant during the public hearing as set forth in an amended petition; and the petition provides for practical use of the property consistent with the general mixture of uses along the Jamison/Bullitt Avenues and 9th Street Corridors.

Council Member Mason offered the following ordinance:

(#37485-071706) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 70, page 444.)

Council Member Mason moved the adoption of Ordinance No. 37485-071706. The motion was seconded by Council Member Dowe.

Maryellen F. Goodlatte, Attorney, appeared before Council in support of the request of her client.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37485-071706 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by Council on April 6, 1981, the City Clerk having advertised a public hearing for Monday, July 17, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Arellano Orange, LLC, to repeal a proffer of a site plan showing the layout and access to property located in the 2900 block of Orange Avenue, N. E., identified as Official Tax No. 7090408, and a proffer prohibiting outdoor advertising on the subject property, and replacing such proffers with a proffer of a new site plan showing the layout and access to the subject property dated May 18, 2006, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 30, 2006 and Friday, July 7, 2006.

The City Planning Commission submitted a written report advising that as part of the comprehensive rezoning adopted by Council on December 5, 2005, the subject property was rezoned from C-2, General Commercial District, with conditions, to CG, Commercial-General District, with conditions; the petitioner requests that the proffered conditions on the ±2.18-acre parcel located at 2901 Orange Avenue, N. E., be repealed and that a new condition be accepted relative to the currently proposed development for the site; the originally proffered site plan included development of a single Mexican restaurant on approximately half of the parcel; and the revised development proposes a similar establishment with a future commercial building as well.

The Planning Commission recommended that Council approve the request, finding that the petition to amend the proffered conditions on the subject property furthers the purposes of the City's Comprehensive Plan, the Hollins/Wildwood Area Plan and the City's Zoning Ordinance.

Council Member Mason offered the following ordinance:

(#37486-071706) AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by repealing Ordinance No. 24610-010400, to the extent such ordinance placed certain conditions on Official Tax No. 7090408 located on Orange Avenue, N. E., and placing a new proffer on the subject property; and dispensing with second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 446.)

Council Member Mason moved the adoption of Ordinance No. 37486-071706. The motion was seconded by Council Member Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37486-071706 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

TAXES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, July 17, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Western Virginia Emergency Medical Services Council, Inc., a non-profit organization, for tax exempt status of certain real property located at 1944 Peters Creek Road, N. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 7, 2006.

The City Manager submitted a communication advising that the Western Virginia Emergency Medical Services Council, Inc., owns property known as Official Tax No. 6140712, located at 1944 Peters Creek Road, N. W.; the primary purpose of the Western Virginia Emergency Medical Services Council, Inc., is to coordinate emergency medical services within the Council's 12 - County and 6 - City region, as well as to provide emergency medical services education; and annual taxes due for fiscal year 2006-2007 on the above referenced parcel of land are \$2,991.66 on an assessed value of \$251,400.00.

It was further advised that on May 19, 2003, Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City of Roanoke, pursuant to Resolution No. 36331-051903, effective January 1, 2003; and the Western Virginia Emergency Medical Services Council, Inc., has provided the necessary information prior to October 15, 2006, which is the deadline for applications for exemptions that would take effect on January 1, 2007.

It was noted that according to the Office of the Commissioner of the Revenue, the loss of revenue to the City will be \$2,393.34 annually after a 20 per cent service charge is levied by the City in lieu of real estate taxes, or \$598.32; the Commissioner of the Revenue has determined that the organization is currently non-exempt from paying real estate taxes on the abovereferenced property by

classification or designation under the Code of Virginia and the IRS recognizes the organization as a 501(c)3 tax-exempt organization.

The City Manager recommended that Council authorize the Western Virginia Emergency Medical Services Council, Inc., exemption from real estate property taxation, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia, effective January 1, 2007, for property known as Official Tax No. 6140712, located at 1944 Peters Creek Road, N. W., if the organization agrees to pay the subject service charge by that date.

Council Member Dowe offered the following ordinance:

(#37487-071706) AN ORDINANCE exempting from real estate property taxation certain property located in the City of Roanoke of Western Virginia Emergency Medical Services Council, Inc., an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 70, page 448.)

Council Member Dowe moved the adoption of Ordinance No. 37487-071706. The motion was seconded by Council Member Mason.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37487-071706 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Lea, Mason, Dowe and Mayor Harris-----5.

NAYS: None-----0.

(Vice-Mayor Trinkle and Council Member Wishneff were absent.)

CITY PROPERTY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, July 17, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to convey an 11.067-acre parcel of City-owned land located at the intersection of Orange Avenue and Blue Hills Drive, N. E., to Blue Hills Village, LLC., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 7, 2006.

The City Manager submitted a communication advising that the City of Roanoke owns property known as Tract 12, located at the entrance to the Roanoke Centre for Industry and Technology (RCIT); and the property consists of an 11.067 acre parcel of land located at the intersection of Orange Avenue and Blue Hills Drive, N. E., and is identified as Official Tax No. 7160113.

The City Manager further advised that a prospective buyer has submitted a concept plan for a proposed commercial development of the property which provides for retail, restaurant, hotel, office, day care, and other commercial uses; the prospective buyer is an entity named Blue Hills Village, LLC; the City wishes to sell the property for \$150,000.00 per acre, subject to the buyer developing the property in substantial conformity with the concept plan; and City staff has negotiated a contract of sale with the buyer that provides for the buyer to comply with obligations concerning development of the property.

It was further explained that to permit the proposed development to occur, the property must be released from the restrictive covenants that are applicable to property at the RCIT; and covenants provide that they can be released if the owners or lessees, other than the City, of more than 50 per cent, in area, of the total property that comprises the RCIT, consent to such release.

It was indicated that the concept plan proposes development which is consistent with *Vision 2001-2020* and the *Hollins/Wildwood Area Plan*; commercial development on the site at the entrance to the RCIT will complement industrial development by providing accessible goods and services near a major employment center; the proposed development is consistent with current zoning of the property, which is CG, Commercial-General District (conditional); restrictive covenants on the subject property need to be released in order for the prospective buyer to develop the property; the covenants were designed to guide the development of large-scale industrial sites and do not accommodate the type of commercial development being considered for Tract 12; and City staff is working with the land owners in the RCIT to obtain their consent to release the covenants regarding Tract 12; and a public hearing is required to consider the sale of property and to authorize execution of a deed of release to release property from restrictive covenants.

The City Manager recommended that Council take the following actions:

- Authorize the City Manager to execute a contract for sale of the property;
- Authorize the City Manager to execute a Deed of Release that will release the property, Official Tax No. 7160113, from the restrictive covenants applicable to RCIT, once approvals needed for such a release have been obtained;
- Authorize the City Manager to execute such further documents and take such further action as may be necessary to accomplish

the above matters and to complete the sale of the above-mentioned property to Blue Hills Village, LLC., the form of all such documents to be approved by the City Attorney.

Council Member Dowe offered the following ordinance:

“AN ORDINANCE authorizing the proper City Officials to execute a contract to sell to Blue Hills Village, LLC, certain City owned property located in the Roanoke Centre for Industry and Technology (RCIT) located at the intersection of Orange Avenue, N. E., and Blue Hills Drive, N. E., and identified as Tax Map No. 7160113, upon certain terms and conditions; authorizing the proper City Officials to execute a Deed of Release that will release such property from the Restrictive Covenants applicable to property in RCIT; authorizing the City Manager to execute such further documents and take such further action as may be necessary to accomplish the above matters; and dispensing with the second reading by title of this Ordinance.”

Council Member Dowe moved the adoption of Ordinance. The motion was seconded by Council Member Fitzpatrick.

The Mayor advised that Council will proceed with the public hearing; however, Council will not vote on the matter until its next regular meeting on Monday, August 7, 2006, inasmuch as State Code provides that in order to sell publicly owned property, a three-fourths vote by the governing body is required; for a seven member Council, six votes will be required and since two members of the Council are absent, it will be necessary to table the ordinance until the next regular meeting of Council.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing.

Ms. Ulinda Grome, 4050 Trail Drive, Roanoke County, advised that when the property was previously considered by Council, it was her understanding that provisions would be made to ensure that her property was not damaged and that she would be notified prior to commencement of any type of construction; however, she stated that there is no record of her previous appearance before Council in the City's records, therefore, no provisions were made to protect her home or her family. She advised that previous construction activity on the property damaged, the foundation and ceilings of her home, therefore, she requested that the City of Roanoke, prior to conveying the property to Blue Hills Village, ensure that all precautions will be taken to protect the safety of her family and that there will be no further damage to her home.

The Mayor advised that the remarks of Ms. Grome, will be referred to the City Manager.

Mr. Michael Grome, 4050 Trail Drive, Roanoke County, advised that the entire neighborhood receives its water supply through a system of wells, and inquired as to the responsible party for any damage to the well system as a result of construction.

The City Manager advised that the property of Mr. and Mrs. Grome is located in Roanoke County; whereupon, she called upon John Shoulders, Managing Member of Blue Hills Village, LLC, who advised that all building activity will be performed in accordance with Roanoke City and Roanoke County codes and City and County staff will be on site to ensure that all codes are complied with and that all safety precautions are met.

There was discussion with regard to whether meetings have been held with affected residents of Roanoke City and Roanoke County to address their concerns; whereupon, Mr. John Shoulders, representing Blue Hills Village, LLC, advised that he has met with representatives of the Roanoke Center for Industry and Technology; however, no meetings have been held with affected residents in Roanoke County.

Council Members Dowe and Lea encouraged the developer to hold meetings with Roanoke City and Roanoke County residents to address their concerns.

Without objection by Council, the Mayor advised that the ordinance will be tabled until the next regular meeting of Council on Monday, August 7, 2006 at 2:00 p.m., or as soon thereafter as the matter may be heard by the Council.

CITY PROPERTY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, July 17, 2006, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to convey a 0.2457-acre parcel of City-owned land located on Nelms Lane, N. E., to L & L Development Corporation, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 7, 2006.

The City Manager submitted a communication advising that the City owns property located on Nelms Lane, N. E., containing approximately 0.2457 acre that was formerly used by the Water Department as the site of a water storage tank; the tank has been removed and the property is no longer of use to the City; the parcel is located in a residential area and is assessed at \$22,300.00; the City has received an offer of \$25,000.00 for the parcel of land from L & L Development Corporation; and returning the parcel of land to private ownership would allow the land to be developed for single family detached residential use.

The City Manager recommended that she be authorized to execute the

appropriate documents to convey the property to L & L Development Corporation for a consideration of \$25,000.00, such documents to be approved as to form by the City Attorney.

Council Member Dowe offered the following ordinance:

“AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of Official Tax Map No. 7930713, containing 0.2457 of an acre, located on Nelms Lane, N. E., to L & L Development Corporation, upon certain terms and conditions; and dispensing with the second reading of this ordinance.”

Council Member Dowe moved the adoption of the ordinance. The motion was seconded by Council Member Mason.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, the Mayor advised that since the ordinance requires six affirmative votes by the Council, it will be tabled until the next regular meeting of Council on Monday, August 7, 2006, at 2:00 p.m., or as soon thereafter as the matter may be heard by the Council.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COUNTRYSIDE GOLF COURSE: Valerie Garner, representing the Countryside Neighborhood Alliance, advised that it was her understanding that the receipt of proposals for development of Countryside Golf Course will be extended by another 45 days due to a technicality in the City's Purchasing Department. That being the case, she suggested that the City administration initiate a more realistic study of the property, other than the study performed by the Lawrence Group in 2003. She explained that the Lawrence Group was instructed to look at the property in terms of constructing the highest number of houses on the property in order to increase the City's tax base; and the Lawrence Group study pointed to the following challenges for development: the property is irregularly shaped, bisected by the Airport Runway Protection Zone, bisected by apartment complexes, located in the floodplain, fairways are too narrow for double loaded streets, infrastructure is lacking, homes currently line the fairways, the property is located in an Airport over flight area, the property is close to I-581, and the noise contour of 65 decibels is not compatible with residential development. She explained that the Roanoke Regional Airport Commission has diverted \$500,000.00 of Federal funds

for noise mitigation, which are Airport improvement funds that should have been used for Airport improvements, instead of insulating homes and guaranteeing sale prices; by constructing residential structures in the same area where homes were taken in 1980 could result in legal challenges by unsuspecting purchasers; and there is no requirement for a disclosure of proximity to an Airport as other localities and states have implemented. She stated that the 40-year lease agreement with the Roanoke Regional Airport Commission expires in 2008, and if Council, who appoints certain members to the Airport Commission, were to ask the Commission to renew the lease, it is likely that members of the Airport Commission would be amenable to the request. She added that the agreement with Meadowbrook expires at the end of October, the agreement, however, limits management's maintenance expenditures to \$1,000.00, maintenance over this amount is at the direct discretion of the City, and lack of maintenance could then pose a public safety issue resulting in closure. She advised that Countryside residents are anxious to engage in dialogue on a reasonable use of the Countryside property, to be facilitated by an objective outside consultant, with inclusion of the neighborhood and affected businesses.

Mr. Johnny Taylor, 3527 Laurel Ridge Road, N. W., advised that he has enjoyed the scenic view of the Countryside Golf Course from the porch of his home for many years. He stated that the Countryside Golf Course is an asset to the City of Roanoke just as Smith Mountain Lake is an asset to the Moneta area; and by reclaiming Countryside as a golf course and recreation facility, the City could partner with local hotels and motels to offer special golf rates to out of town visitors, the City could host golf camps for youth and could partner with local and state high schools to sponsor swimming meets, tennis tournaments, and annual golf tournaments to be used as a funding source for scholarships for Roanoke's youth.

The City Manager advised that it came to the City's attention last week that five of the six developers who were listed to receive the Request for Proposals for development of the Countryside Golf Course property actually received the proposal package from the Purchasing Division. She stated that she could not give a clear and concise explanation as to what might have happened, therefore, steps have been taken to reissue the Request for Proposals. She added that the interest expressed by some of the above referenced developers, as well as others who might come forth, indicates that the expression of interest is more than sufficient to immediately turn around the process and not necessarily have to go back to the drawing board which would lead to a further delay of the property. She advised that the management firm that is currently operating Countryside has indicated a willingness to renew the management contract, and based upon the City's inability to receive responses in a timely fashion, the management firm will be notified that the City wishes to exercise the additional one year option to renew the operating agreement which will enable Countryside to operate as a golf course until such time as another use has been determined.

The Mayor requested that the City Manager summarize the process of selecting a consultant, responsibilities of the consultant and the role of the consultant to interact with residents of the Countryside Golf Course area, etc.

The City Manager advised that Council rezoned to open space the Countryside Golf Course property in the massive rezoning that occurred in December 2005, which necessitated that any proposed use of Countryside, other than its current use, will require a rezoning; rezonings require a minimum of two public hearings, one at the City Planning Commission level and one at the City Council level; therefore, Council has maximized the opportunity for citizen involvement in whatever decision is ultimately made regarding use or reuse of the property. She stated that once the City reviews the proposals and a developer is selected, several public meetings will be scheduled in the neighborhood to solicit input by residents of the area; prior to issuing the most recent Request for Proposals, a neighborhood meeting was held to solicit similar input from residents which could be shared with developers who might be interested in responding to the Request for Proposals, additional meetings were held in the neighborhood, and staff worked through various issues until they came up with a proposal that was generally acceptable to all parties. She explained that the process involved months of negotiation, and the City is not in a hurry to turn the property over to a developer without some assurance and guarantees that the property will be developed in the best interests of the neighborhood as well as the City. She stated that the people who live in the immediate area are naturally concerned about what is going to happen in their neighborhood, but it should be noted that this process offers residents of the area the greatest opportunity to be a participant in the process; had the City not stepped in and purchased the property when it was offered for sale, another individual or another developer could have purchased the property and with the then existing zoning they could have constructed homes and/or conducted other activities on the property and there would have been no provision for public input.

The City Manager was asked to clarify at what point in the Request for Proposals will citizens become involved in the process.

The City Manager advised that citizens will be involved in the process when a developer has been selected and when the developer is prepared to both share initial ideas, as well as receive citizen input. She stated that a developer will be selected based upon credentials and financial wherewithal; any development of the property will require infrastructure improvements; it is the City's expectation that the preferred developer will have the wherewithal to bring utilities to the property in much the same way the Colonial Green project and that the City will not incur any infrastructure costs.

ECONOMIC DEVELOPMENT: Joseph Alexx Bell, representing J. Bell Development, Inc., (JDI) advised that his mission statement as a commercial developer is to rebuild the urban centers of America and to provide urban centers with a catalyst for economic growth. He referred to a program that will take approximately 12 to 15 years to implement, costing in the range of \$750 million to \$1 billion, the first phase of which is infrastructure changes in the form of a subway system. He stated that he intends to work with the Virginia Department of Transportation and Hayes, Seay, Mattern and Mattern. He also suggested that Valley Metro operate with three shifts of employees so that bus service can be expanded to outlying jurisdictions in the Roanoke Valley.

There being no further business, the Mayor declared the meeting adjourned at 8:00 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
